

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PATRICIA CHENEY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-11627 RGS
)	
EMMAUS, INC.,)	
)	
Defendant.)	
)	

DEFENDANT'S MOTION FOR LEAVE TO FILE A REPLY MEMORANDUM

Pursuant to Local Rule 7.1(B)(3), Defendant Emmaus, Inc. (“Emmaus”), by its attorneys, Testa, Hurwitz & Thibeault, LLP, hereby respectfully requests that the Court grant leave to file the accompanying Reply Memorandum in Support of Defendant’s Motion To Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (the “Reply Memorandum”).

In support of its request, Emmaus states that the Reply Memorandum responds to a new argument raised in Plaintiff’s Opposition brief, and Emmaus would like an opportunity to briefly address this argument. Emmaus further states that consideration of the accompanying short Reply Memorandum will assist the Court in deciding the issues raised in Defendant’s Motion To Dismiss.

For the foregoing reasons, Defendant respectfully requests that its Motion for Leave to File a Reply Memorandum be allowed and that the Court grant such other and further relief as is just and proper.

Respectfully submitted,

EMMAUS, INC.,

By its attorneys,

/s Christine B. Watts
Mark D. Pomfret, BBO #561925
Christine B. Watts, BBO #647946
Maura M. Jakola, BBO #654695
Testa, Hurwitz & Thibeault, LLP
125 High Street, Oliver Street Tower
Boston, MA 02110
(617) 248-7000

Dated: October 1, 2004